

## CHAPTER 1132

### SNOWMOBILE AND ALL-TERRAIN VEHICLE REGULATION

S.F. 297

**AN ACT** relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing an applicability date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321G.1, subsection 1, Code 2003, is amended by striking the subsection and inserting in lieu thereof the following:

1. "All-terrain vehicle" means the same as defined in section 321I.1.

Sec. 2. Section 321G.1, subsections 4, 7, 10, 11, 12, 15, 17, and 19, Code 2003, are amended to read as follows:

4. "Dealer" means a person engaged in the business of buying, selling, or exchanging ~~all-terrain vehicles or~~ snowmobiles required to be registered under this chapter and who has an established place of business for that purpose in this state.

7. "Manufacturer" means a person engaged in the business of constructing or assembling ~~all-terrain vehicles or~~ snowmobiles required to be registered under this chapter and who has an established place of business for that purpose in this state.

10. "Operate" means to ride in or on, other than as a passenger, use, or control the operation of ~~an all-terrain vehicle or a~~ snowmobile in any manner, whether or not the ~~all-terrain vehicle or~~ snowmobile is moving.

11. "Operator" means a person who operates or is in actual physical control of ~~an all-terrain vehicle or a~~ snowmobile.

12. "Owner" means a person, other than a lienholder, having the property right in or title to ~~an all-terrain vehicle or a~~ snowmobile. The term includes a person entitled to the use or possession of ~~an all-terrain vehicle or a~~ snowmobile subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

15. "Railroad right-of-way" ~~shall mean~~ means the full width of property owned, leased, or subject to easement for railroad purposes and ~~shall not be~~ is not limited to those areas on which tracks are located.

17. "Safety certificate" means ~~an all-terrain vehicle or a~~ snowmobile safety certificate ~~issued, approved~~ by the commission, issued to a qualified applicant who is twelve years of age or ~~more~~ older.

19. "Special event" means an organized race, exhibition, or demonstration of limited duration which is conducted ~~on public land or ice under the jurisdiction of the commission~~ according to a prearranged schedule and in which general public interest is manifested.

Sec. 3. Section 321G.2, Code 2003, is amended to read as follows:  
321G.2 RULES.

The commission may adopt rules for the following purposes:

1. Registration and titling of ~~all-terrain vehicles and~~ snowmobiles.
2. Use of ~~all-terrain vehicles and~~ snowmobiles as far as game and fish resources or habitats are affected.
3. Use of ~~all-terrain vehicles and~~ snowmobiles on public lands under the jurisdiction of the commission.
4. Use of ~~all-terrain vehicles and~~ snowmobiles on any waters of the state under the jurisdiction of the commission, while the waters are frozen.

5. ~~Establish~~ Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development and delivery of certified courses of instruction for the safe use and operation of ~~all-terrain vehicles and snowmobiles~~ by political subdivisions and incorporated private organizations.

6. Issuance of safety certificates.

7. Issuance of competition registrations and the participation of ~~all-terrain vehicles and snowmobiles~~ so registered in special events.

The director of transportation may adopt rules not inconsistent with this chapter regulating the use of ~~all-terrain vehicles and snowmobiles~~ on streets and highways. Cities may designate streets under the jurisdiction of cities within their respective corporate limits which may be used for snowmobiling and the sport of driving ~~all-terrain vehicles~~.

In adopting the rules, consideration shall be given to the need to protect the environment and the public health, safety, and welfare; to protect private property, public parks, and other public lands; to protect wildlife and wildlife habitat; and to promote uniformity of rules relating to the use, operation, and equipment of ~~all-terrain vehicles and snowmobiles~~. The rules shall be in conformance with chapter 17A.

Sec. 4. Section 321G.3, Code 2003, is amended to read as follows:

321G.3 REGISTRATION AND NUMBERING REQUIRED.

1. Each ~~all-terrain vehicle and snowmobile~~ used on public land or ice of this state shall be currently registered and numbered. A person shall not operate, maintain, or give permission for the operation or maintenance of ~~an all-terrain vehicle or a snowmobile~~ on public land or ice unless the ~~all-terrain vehicle or snowmobile~~ is numbered in accordance with this chapter, ~~or in accordance with applicable federal laws, or in accordance with~~ an approved numbering system of another state, and unless the identifying number set forth in the registration is displayed as prescribed by rules of the commission.

2. A registration number shall be assigned, without payment of fee, to ~~all-terrain vehicles and snowmobiles~~ owned by the state of Iowa or its political subdivisions upon application for the number, and the assigned registration number shall be displayed on the ~~all-terrain vehicle or snowmobile~~ as required under section 321G.5. A registration number and certificate shall be assigned, without payment of fee, to ~~an all-terrain vehicle or a snowmobile~~ which is exempt from registration but is being titled. A decal displaying an audit number shall not be issued and the registration shall not expire while the ~~all-terrain vehicle or snowmobile~~ is exempt. The application for registration shall indicate the reason for exemption from the fee. The registration certificate shall indicate the reason for exemption.

Sec. 5. Section 321G.4, Code Supplement 2003, is amended to read as follows:

321G.4 REGISTRATION WITH COUNTY RECORDER — FEE.

The owner of each ~~all-terrain vehicle or snowmobile~~ required to be numbered shall register it ~~every two years~~ annually with the county recorder of the county in which the owner resides or, if the owner is a nonresident, the owner shall register it in the county in which the ~~all-terrain vehicle or snowmobile~~ is principally used. The commission has supervisory responsibility over the registration of ~~all-terrain vehicles and snowmobiles~~ and shall provide each county recorder with registration forms and certificates and shall allocate registration numbers to each county.

The owner of the ~~all-terrain vehicle or snowmobile~~ shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the ~~all-terrain vehicle or snowmobile~~ and shall be accompanied by a fee of ~~twenty-five~~ fifteen dollars and a writing fee. ~~An all-terrain vehicle or a~~ A snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the ~~all-terrain vehicle or snowmobile~~ or that the owner is exempt from paying the tax. However, an owner of an all-terrain vehicle, except an all-terrain vehicle

~~purchased new on or after January 1, 1990, may apply for registration without proof of sales or use tax paid until one year after January 1, 1990. An all-terrain vehicle or a snowmobile that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.~~

Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter it upon the records and shall issue to the applicant a ~~poeket-size~~ registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the ~~all-terrain vehicle or snowmobile~~ and the name and address of the owner. The registration certificate shall be carried either in the ~~all-terrain vehicle or snowmobile~~ or on the person of the operator of the ~~machine~~ snowmobile when in use. The operator of an ~~all-terrain vehicle or a snowmobile~~ shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving ~~an all-terrain vehicle or a snowmobile~~, or to the owner or operator of another ~~all-terrain vehicle or snowmobile~~ or the owner of personal or real property when the ~~all-terrain vehicle or snowmobile~~ is involved in a collision or accident of any nature with another ~~all-terrain vehicle or snowmobile~~ or the property of another person, or to the property owner or tenant when the ~~all-terrain vehicle or snowmobile~~ is being operated on private property without permission from the property owner or tenant.

~~If an all-terrain vehicle or a snowmobile is placed in storage, the owner shall return the current registration certificate to the county recorder with an affidavit stating that the all-terrain vehicle or snowmobile is placed in storage and the effective date of storage. The county recorder shall notify the commission of each all-terrain vehicle or snowmobile placed in storage. When the owner of a stored all-terrain vehicle or snowmobile desires to renew the registration, the owner shall make application to the county recorder and pay the registration and writing fees without penalty. A refund of the registration fee shall not be allowed for a stored all-terrain vehicle or snowmobile.~~

Sec. 6. Section 321G.5, Code 2003, is amended to read as follows:

321G.5 DISPLAY OF IDENTIFICATION NUMBERS.

~~The owner shall display the identification number on an all-terrain vehicle or a snowmobile in the manner prescribed by the rules of the commission.~~

Sec. 7. Section 321G.6, Code 2003, is amended to read as follows:

321G.6 REGISTRATION — RENEWAL — TRANSFER.

~~1. Every all-terrain vehicle or snowmobile registration certificate and number issued expires at midnight December 31, and renewals expire every two years thereafter unless sooner terminated or discontinued in accordance with this chapter. After the first day of September each even-numbered year, an unregistered all-terrain vehicle or snowmobile and renewals may be registered or a registration may be renewed for the subsequent biennium year beginning January 1. An all-terrain vehicle or snowmobile registered between January 1 and September 1 of even-numbered years shall be registered for a fee of twelve dollars and fifty cents for the remainder of the registration period.~~

~~After the first day of September in even-numbered years an unregistered all-terrain vehicle or snowmobile may be registered for the remainder of the current registration period and for the subsequent registration period in one transaction. The fee shall be five dollars for the remainder of the current period, in addition to the registration fee of twenty-five dollars for an all-terrain vehicle and twenty-five dollars for a snowmobile for the subsequent biennium beginning January 1, and a writing fee. Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided in securing the original registration. The all-terrain vehicle or snowmobile registration fee is in lieu of personal property tax for each year of the registration.~~

2. An expired all-terrain vehicle or snowmobile registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee.

~~All all-terrain vehicles used on public land must be registered within six months following January 1, 1990, unless otherwise exempt.~~

3. When a person, after registering an all-terrain vehicle or a snowmobile, moves from the address shown on the registration certificate, the person shall, within ~~ten~~ thirty days, notify the county recorder in writing of the move and the person's new address.

4. Upon the transfer of ownership of an all-terrain vehicle or a snowmobile, the owner shall complete the form on the back of the title, if any, and registration, if any, and deliver both to the purchaser or transferee when the all-terrain vehicle or snowmobile is delivered. If the all-terrain vehicle or snowmobile is not titled, the owner shall complete the form on the back of the current registration certificate and shall deliver the certificate to the purchaser or transferee at the time of delivering the all-terrain vehicle or snowmobile. If the all-terrain vehicle or snowmobile has not been titled and has not been registered, the owner shall deliver an affidavit for an unregistered and untitled all-terrain vehicle or snowmobile to the purchaser or transferee. The purchaser or transferee shall, within thirty days of transfer, file a new application form with the county recorder with a fee of one dollar and the writing fee, and a transfer of number shall be awarded in the same manner as provided in an original registration. If the purchaser or transferee does not file a new application form within thirty days of transfer, the transfer of number shall be awarded upon payment of all applicable fees plus a penalty of five dollars.

All registrations must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer.

5. Duplicate registrations may be issued upon application ~~therefore~~ to the county recorder and the payment of the same fees collected for the transfer of registrations.

~~A motorcycle, as defined in section 321.1, subsection 40, paragraph "a", may be registered as an all-terrain vehicle as provided in this section. A motorcycle registered as an all-terrain vehicle may participate in all programs established for all-terrain vehicles under this chapter except for the safety instruction and certification program.~~

Sec. 8. Section 321G.7, Code 2003, is amended to read as follows:  
321G.7 FEES REMITTED TO COMMISSION — APPROPRIATION.

Within ten days after the end of each month, a county recorder shall remit to the commission the all-terrain vehicle and snowmobile fees collected by the recorder during the previous month. Before January 10 of ~~odd-numbered years~~ each year, a recorder shall remit to the commission unused license forms from the previous ~~biennium~~ to the commission year.

The department shall remit the fees to the treasurer of state, who shall place the money in a special ~~conservation~~ snowmobile fund. The money is appropriated to the department for the all-terrain vehicle and snowmobile programs of the state. ~~All-terrain vehicle fees shall be used only for all-terrain vehicle programs and snowmobile fees shall be used only for snowmobile programs. Joint programs shall be supported from both types of fees on a usage basis. The all-terrain vehicle and snowmobile programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle and snowmobile programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All all-terrain vehicle programs using cost-sharing, grants, subgrants, or contracts shall establish and implement a safety instruction program either singly or in cooperation with other all-terrain vehicle programs. Snowmobile fees may be used to support snowmobile programs on a usage basis.~~ At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the all-terrain vehicle or snowmobile accounts. ~~The fund and may be used by the~~ department may use funds from these accounts for the administration of the all-terrain vehicle and snowmobile programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the

general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.

Sec. 9. Section 321G.8, Code 2003, is amended to read as follows:

321G.8 EXEMPT VEHICLES.

Registration shall not be required for the following described ~~all-terrain vehicles and snow-~~mobiles:

1. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles owned and used by the United States, another state, or a political subdivision of another state.
2. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles registered in a country other than the United States used within this state for not more than twenty consecutive days.
3. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles covered by a valid license of another state and which have not been within this state for more than twenty consecutive days.
4. ~~All-terrain vehicles and snowmobiles~~ Snowmobiles not registered or licensed in another state or country being used in this state while engaged in a special event and not remaining in the state for a period of more than ten days.
5. ~~All-terrain vehicles used in accordance with section 321.234A.~~
6. 5. Snowmobiles and ~~all-terrain vehicles~~ used exclusively as farm implements.

Sec. 10. Section 321G.9, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A person shall not operate an ~~all-terrain vehicle or a~~ snowmobile upon roadways or highways, as defined in section 321.1, except as provided in ~~section 321.234A and~~ this chapter.

Sec. 11. Section 321G.9, subsections 1, 2, and 3, Code 2003, are amended to read as follows:

1. ~~An all-terrain vehicle or A~~ snowmobile shall not be operated at any time within the ~~right of way~~ right-of-way of any interstate highway or freeway within this state except ~~under either of the following circumstances:~~

- a. ~~As provided in section 321.234A.~~
- b. ~~When when~~ using an underpass located on an interstate highway or freeway if all of the following apply:
  - (1) ~~a.~~ The underpass has been abandoned and is no longer being used by motor vehicles or trains.
  - (2) ~~b.~~ Use of the underpass is the only alternative to the use of a traveled roadway.
  - (3) ~~c.~~ Notwithstanding the provisions of chapter 321, use of the underpass does not conflict with any rules or regulations adopted by a federal governmental entity or this state or a political subdivision of this state.

2. ~~An all-terrain vehicle or A~~ snowmobile may make a direct crossing of a street or highway provided all of the following occur:

- a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; ~~and~~
- b. The ~~all-terrain vehicle or~~ snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; ~~and~~
- c. The driver yields the ~~right of way~~ right-of-way to all oncoming traffic which constitutes an immediate hazard; ~~and~~
- d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

3. ~~An all-terrain vehicle or A~~ snowmobile shall not be operated on public highways under any of the following conditions:

- a. On the roadway portion of a highway and adjacent shoulder, or at least five feet on either side of the roadway, except as provided in subsection 4 ~~of this section, and~~
- b. On limited access highways and approaches, ~~and~~
- c. For racing any moving object, ~~and~~

d. Abreast with one or more other ~~all-terrain vehicles or~~ snowmobiles on a city highway.

Sec. 12. Section 321G.9, subsection 4, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A registered ~~all-terrain vehicle or~~ snowmobile may be operated under the following conditions:

Sec. 13. Section 321G.9, subsection 4, paragraph d, Code 2003, is amended to read as follows:

d. On the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which ~~all-terrain vehicles or~~ snowmobiles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. Signs warning of the operation of ~~all-terrain vehicles or~~ snowmobiles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for the operation.

Sec. 14. Section 321G.9, subsection 4, paragraph f, Code 2003, is amended by striking the paragraph.

Sec. 15. Section 321G.9, subsections 6 and 7, Code 2003, are amended to read as follows:

6. a. ~~An all-terrain vehicle or~~ A snowmobile shall not be operated on or across a public highway by a person under sixteen years of age who does not have in the person's possession a safety certificate issued to the person pursuant to this chapter.

b. A person twelve to fifteen years of age and possessing a valid safety certificate must be under the direct supervision of a parent, guardian, or another adult authorized by the parent or guardian, who is experienced in ~~all-terrain vehicle or~~ snowmobile operation, and who possesses a valid driver's license as defined in section 321.1, or a safety certificate issued under this chapter.

7. ~~An all-terrain vehicle or~~ A snowmobile shall not be operated within the right of way right-of-way of a primary highway between the hours of sunset and sunrise except on the right-hand side of the right of way right-of-way and in the same direction as the motor vehicular traffic on the nearest lane of traveled portion of the right of way right-of-way.

Sec. 16. Section 321G.10, Code 2003, is amended to read as follows:

321G.10 ACCIDENT REPORTS.

If ~~an all-terrain vehicle or~~ a snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to ~~two hundred one thousand~~ dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. The If the accident occurred on public land or ice under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within ~~forty-eight~~ seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required under section 321.266.

Sec. 17. Section 321G.11, subsections 1 and 2, Code 2003, are amended to read as follows:

1. ~~An all-terrain vehicle or~~ A snowmobile shall not be operated without suitable and effective muffling devices which limit engine noise to not more than eighty-six decibels as measured on the "A" scale at a distance of fifty feet; and a snowmobile, manufactured after July 1, 1973, which is sold, offered for sale, or used in this state, except in an authorized special event, shall have a muffler system that limits engine noise to not more than eighty-two decibels as measured on the "A" scale at a distance of fifty feet.

2. The commission may adopt rules with respect to the inspection of ~~all-terrain vehicles and~~ snowmobiles and testing of ~~their~~ snowmobile mufflers.

Sec. 18. Section 321G.12, Code 2003, is amended to read as follows:

321G.12 ~~HEAD LAMP HEADLAMP~~ — TAIL LAMP — BRAKES.

~~Every all-terrain vehicle operated during the hours of darkness shall display a lighted head lamp and tail lamp. Every snowmobile shall be equipped with at least one head lamp headlamp and one tail lamp. Every all-terrain vehicle and snowmobile shall be equipped with brakes.~~

Sec. 19. Section 321G.13, subsection 1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A person shall not drive or operate ~~an all-terrain vehicle or a~~ snowmobile:

Sec. 20. Section 321G.13, subsection 1, paragraphs g and h, Code 2003, are amended to read as follows:

g. In or on any park or fish and game areas except on designated ~~all-terrain vehicle or snowmobile~~ trails.

h. Upon an operating railroad right-of-way. ~~An all-terrain vehicle or a~~ snowmobile may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.

Sec. 21. Section 321G.13, subsection 2, Code 2003, is amended to read as follows:

2. A person shall not operate or ride ~~in an all-terrain vehicle or a~~ snowmobile with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding ~~an all-terrain vehicle or a~~ snowmobile.

Sec. 22. Section 321G.13, subsection 3, Code 2003, is amended by striking the subsection.

Sec. 23. Section 321G.14, Code 2003, is amended to read as follows:

321G.14 PENALTY.

~~Any A~~ person who ~~shall violate any provision of~~ violates this chapter or ~~any regulation a rule~~ of the commission or director of transportation ~~shall be is~~ guilty of a simple misdemeanor.

Chapter 232 shall have no application in the prosecution of offenses which are committed in violation of this chapter, and which constitute simple misdemeanors.

Sec. 24. Section 321G.15, Code 2003, is amended to read as follows:

321G.15 OPERATION PENDING REGISTRATION.

The commission shall furnish snowmobile ~~and all-terrain vehicle~~ dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered ~~all-terrain vehicle or~~ snowmobile sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for ten days immediately following the purchase. The purchaser of a registered ~~all-terrain vehicle or~~ snowmobile may operate it for ten days immediately following the purchase, without having completed a transfer of registration. A snowmobile ~~or all-terrain vehicle~~ dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of a snowmobile ~~or all-terrain vehicle~~.

Sec. 25. Section 321G.16, Code 2003, is amended to read as follows:

321G.16 SPECIAL EVENTS.

The department may authorize the holding of organized special events as defined in this chapter within this state. The department shall adopt rules relating to the conduct of special events held under department permits and designating the equipment and facilities necessary for safe operation of ~~all-terrain vehicles and~~ snowmobiles or for the safety of operators,

participants, and observers in the special events. ~~A special event for all-terrain vehicles may include motorcycles upon payment of an entrance fee set by the organizer of the special event. The department may require that part of the motorcycle entrance fee be credited to pay costs of all-terrain vehicle programs authorized pursuant to section 321G.7.~~ At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the department for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information the department requires. The special event shall not be conducted without written authorization of the department. Copies of the rules shall be furnished by the department to any person making an application.

Sec. 26. Section 321G.17, Code 2003, is amended to read as follows:

321G.17 VIOLATION OF “STOP” ~~STOP~~ SIGNAL.

A person, after having received a visual or audible signal from a peace officer to come to a stop, shall not operate ~~an all-terrain vehicle or a~~ snowmobile in willful or wanton disregard of the signal or interfere with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee or elude the officer.

Sec. 27. Section 321G.18, Code 2003, is amended to read as follows:

321G.18 NEGLIGENCE.

The owner and operator of ~~an all-terrain vehicle or a~~ snowmobile are liable for any injury or damage occasioned by the negligent operation of the ~~all-terrain vehicle or~~ snowmobile. The owner of ~~an all-terrain vehicle or a~~ snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ~~all-terrain vehicle or~~ snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ~~all-terrain vehicle or~~ snowmobile at the time the injury or damage occurred.

Sec. 28. Section 321G.19, Code Supplement 2003, is amended to read as follows:

321G.19 RENTED SNOWMOBILES ~~AND ALL TERRAIN VEHICLES~~.

1. The owner of a rented ~~all-terrain vehicle or~~ snowmobile shall keep a record of the name and address of each person renting the ~~all-terrain vehicle or~~ snowmobile, its registration number, the departure date and time, and the expected time of return. The records shall be preserved for six months.

2. The owner of ~~an all-terrain vehicle or a~~ snowmobile operated for hire shall not permit the use or operation of a rented ~~all-terrain vehicle or~~ snowmobile unless it has been provided with all equipment required by this chapter or rules of the commission or the director of transportation, properly installed and in good working order.

Sec. 29. Section 321G.20, unnumbered paragraph 2, Code 2003, is amended by striking the unnumbered paragraph.

Sec. 30. Section 321G.21, subsections 1, 3, 6, 8, 9, and 10, Code 2003, are amended to read as follows:

1. A manufacturer, distributor, or dealer owning ~~any all-terrain vehicle or a~~ snowmobile required to be registered under this chapter may operate the ~~all-terrain vehicle or~~ snowmobile for purposes of transporting, testing, demonstrating, or selling it without the ~~all-terrain vehicle or~~ snowmobile being registered, except that a special identification number issued to the owner as provided in this chapter shall be displayed on the ~~all-terrain vehicle or~~ snowmobile. The special identification number shall not be used on ~~an all-terrain vehicle or a~~ snowmobile offered for hire or for any work or service performed by a manufacturer, distributor, or dealer.

3. The commission, upon granting an application, shall issue to the applicant a special registration certificate containing the applicant’s name and address, the general identification number assigned to the applicant, the word “manufacturer”, “dealer”, or “distributor”, and other information the commission prescribes. The manufacturer, distributor, or dealer shall have the assigned number printed upon or attached to a removable sign or signs which may be



temporarily but firmly mounted or attached to the ~~all-terrain vehicle~~ or snowmobile being used. The display shall meet the requirements of this chapter and the rules of the commission.

6. Every manufacturer, distributor, or dealer shall keep a written record of the ~~all-terrain vehicles~~ and snowmobiles upon which special registration certificates are used, which record shall be open to inspection by any law enforcement officer or any officer or employee of the commission.

8. Dealers using special certificates under this chapter shall, before January 10 of each year, furnish the commission with a list of all used ~~all-terrain vehicles~~ and snowmobiles held by them for sale or trade, and upon which the registration fee for the current year has not been paid, giving the previous registration number, name of previous owner at the time the ~~all-terrain vehicle~~ or snowmobile was transferred to the dealer, and other information the commission requires.

9. If the purchaser or transferee of an ~~all-terrain vehicle~~ or a snowmobile is a dealer who holds the same for resale and operates the ~~all-terrain vehicle~~ or snowmobile only for purposes incidental to a resale and displays the special dealer's certificate, or does not operate the ~~all-terrain vehicle~~ or snowmobile or permit it to be operated, the transferee is not required to obtain a new registration certificate but upon transferring title or interest to another person shall sign the reverse side of the title, if any, and the registration certificate of the ~~all-terrain vehicle~~ or snowmobile indicating the name and address of the new purchaser. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an ~~all-terrain vehicle~~ or a snowmobile. The recorder shall award a transfer of the registration number. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration.

10. When a dealer purchases or otherwise acquires an ~~all-terrain vehicle~~ or a snowmobile registered in this state, the dealer shall issue a signed receipt to the previous owner, indicating the date of purchase or acquisition, the name and address of the previous owner, and the registration number of the ~~all-terrain vehicle~~ or snowmobile purchased or acquired. The original receipt shall be delivered to the previous owner and one copy shall be mailed or delivered by the dealer to the county recorder of the county in which the ~~all-terrain vehicle~~ or snowmobile is registered, and one copy shall be delivered to the commission within forty-eight hours.

Sec. 31. Section 321G.22, Code 2003, is amended to read as follows:

**321G.22 LIMITATION OF LIABILITY BY PUBLIC BODIES AND ADJOINING OWNERS.**

The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the ~~right-of-way~~ right-of-way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating an ~~all-terrain vehicle~~ or a snowmobile, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the ~~right-of-way~~ right-of-way of a public highway, and their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

This section does not create a duty of care or ground of liability on behalf of the state, its political subdivisions, or the owners or tenants of property adjoining public lands or the ~~right-of-way~~ right-of-way of a public highway and their agents and employees for injury to persons or property in the operation of ~~all-terrain vehicles~~ or snowmobiles in a ditch or on land contiguous to a highway or roadway under the control of the state or a political subdivision. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the

~~right of way~~ right-of-way of a public highway and their agents and employees are not liable for the operation of ~~an all-terrain vehicle or a~~ snowmobile in violation of this chapter.

Sec. 32. Section 321G.23, subsections 1 and 4, Code 2003, are amended to read as follows:

1. The commission shall provide, by rules adopted pursuant to section 321G.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of ~~all-terrain vehicles and~~ snowmobiles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of ~~all-terrain vehicles and~~ snowmobiles consistent with this chapter and rules adopted by the commission and the director of transportation and other matters the commission deems pertinent for a qualified ~~all-terrain vehicle or~~ snowmobile operator.

4. The commission shall provide safety material relating to the operation of ~~all-terrain vehicles and~~ snowmobiles for the use of nonpublic or public elementary and secondary schools in this state.

Sec. 33. Section 321G.24, subsections 1, 2, 4, and 5, Code 2003, are amended to read as follows:

1. A person under eighteen years of age shall not operate a snowmobile on public land ~~or ice~~ or land purchased with snowmobile registration funds in this state without obtaining a valid safety certificate issued by the department and having the certificate in the person's possession, unless the person is accompanied on the same snowmobile by a responsible person of at least eighteen years of age who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or a safety certificate issued under this chapter. ~~A person under eighteen years of age shall not operate an all-terrain vehicle on public land or land purchased with all-terrain vehicle registration funds in this state without obtaining a valid safety certificate issued by the department and having the certificate in the person's possession.~~

2. Upon application and payment of a fee of ~~three~~ five dollars, a qualified applicant shall be issued a safety certificate which is valid until the certificate is suspended or revoked for a violation of a provision of this chapter or a rule of the commission or the director of transportation. The application shall be made on forms issued by the commission and shall contain information as the commission may reasonably require.

4. The permit fees collected under this section shall be credited to the ~~state conservation special snowmobile fund created under section 321G.7~~ and shall be used for safety and educational programs.

5. A valid ~~all-terrain vehicle or~~ snowmobile safety certificate or license issued to a nonresident by a governmental authority of another state shall be considered a valid certificate or license in this state if the permit or license requirements of the governmental authority, excluding fees, are substantially the same as the requirements of this chapter as determined by the commission.

Sec. 34. Section 321G.25, Code 2003, is amended to read as follows:

321G.25 STOPPING AND INSPECTING — WARNINGS.

A peace officer may stop and inspect ~~an all-terrain vehicle or a~~ snowmobile operated, parked, or stored on public streets, highways, public lands, or frozen waters of the state to determine if the ~~all-terrain vehicle or~~ snowmobile is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the ~~all-terrain vehicle or~~ snowmobile is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the ~~all-terrain vehicle or~~ snowmobile to have the ~~all-terrain vehicle or~~ snowmobile in compliance and return a copy of the warning memorandum with the proof of compliance to the commis-

sion within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

Sec. 35. Section 321G.26, Code 2003, is amended to read as follows:

321G.26 TERMINATION OF USE.

A person who receives a warning memorandum for ~~an all-terrain vehicle or a~~ snowmobile shall stop using the ~~all-terrain vehicle or~~ snowmobile as soon as possible and shall not operate it on public streets, highways, public lands, or frozen waters of the state until the ~~all-terrain vehicle or~~ snowmobile is in compliance.

Sec. 36. Section 321G.27, Code 2003, is amended to read as follows:

321G.27 WRITING FEES.

The county recorder shall collect a writing fee of one dollar and twenty-five cents for ~~an all-terrain vehicle or a~~ snowmobile registration.

Sec. 37. Section 321G.28, Code 2003, is amended to read as follows:

321G.28 CONSISTENT LOCAL LAWS — SPECIAL LOCAL RULES.

1. This chapter and other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating to ~~an all-terrain vehicle or a~~ snowmobile when the ~~all-terrain vehicle or~~ snowmobile is operated or maintained in this state. However, this chapter does not prevent the adoption of an ordinance or local law relating to the operation of or equipment of ~~all-terrain vehicles or~~ snowmobiles. The ordinances or local laws are operative only so long as they are not inconsistent with this chapter or the rules adopted by the commission.

2. A subdivision of this state, after public notice by publication in a newspaper having a general circulation in the subdivision, may make formal application to the commission for special rules concerning the operation of ~~all-terrain vehicles or~~ snowmobiles within the territorial limits of the subdivision and shall provide the commission with the reasons the special rules are necessary.

3. The commission, upon application by local authorities and in conformity with this chapter, may make special rules concerning the operation of ~~all-terrain vehicles or~~ snowmobiles within the territorial limits of a subdivision of this state.

Sec. 38. Section 321G.29, Code 2003, is amended to read as follows:

321G.29 OWNER'S CERTIFICATE OF TITLE — IN GENERAL.

1. The owner of a snowmobile acquired on or after January 1, 1998, ~~or an all-terrain vehicle acquired on or after January 1, 2000,~~ other than a snowmobile ~~or all-terrain vehicle~~ used exclusively as a farm implement, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the snowmobile ~~or all-terrain vehicle~~. The owner of a snowmobile ~~or all-terrain vehicle~~ used exclusively as a farm implement may obtain a certificate of title. A person who owns a snowmobile ~~or all-terrain vehicle~~ that is not required to have a certificate of title may apply for and receive a certificate of title for the snowmobile ~~or all-terrain vehicle~~ and, subsequently, the snowmobile ~~or all-terrain vehicle~~ shall be subject to the requirements of this chapter as if the snowmobile ~~or all-terrain vehicle~~ were required to be titled. All snowmobiles ~~or all-terrain vehicles~~ that are titled shall be registered.

2. A certificate of title shall contain the information and shall be issued on a form the department prescribes.

3. An owner of a snowmobile ~~or all-terrain vehicle~~ shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application shall be signed and sworn to before a notary public or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and

belief, under penalty of perjury. The application shall contain the date of sale and gross price of the snowmobile ~~or all-terrain vehicle~~ or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for a snowmobile ~~or all-terrain vehicle~~ last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

4. If a dealer buys or acquires a snowmobile ~~or all-terrain vehicle~~ for resale, the dealer shall report the acquisition to the county recorder on forms provided by the department and may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used snowmobile ~~or all-terrain vehicle~~, the dealer may apply for a certificate of title in the dealer's name within thirty days. If a dealer buys or acquires a new snowmobile ~~or all-terrain vehicle~~ for resale, the dealer may apply for a certificate of title in the dealer's name.

5. A manufacturer or dealer shall not transfer ownership of a new snowmobile ~~or new all-terrain vehicle~~ without supplying the transferee with the manufacturer's or importer's certificate of origin signed by the manufacturer's or importer's authorized agent. The certificate shall contain information the department requires. The department may adopt rules providing for the issuance of a certificate of origin for a snowmobile ~~or all-terrain vehicle~~ by the department upon good cause shown by the owner.

6. A dealer transferring ownership of a snowmobile ~~or all-terrain vehicle~~ under this chapter shall assign the title to the new owner, or in the case of a new snowmobile ~~or new all-terrain vehicle~~, assign the certificate of origin. Within fifteen days the dealer shall forward all moneys and applications to the county recorder.

7. The county recorder shall maintain a record of any certificate of title which the county recorder issues and shall keep each certificate of title on record until the certificate of title has been inactive for five years. When issuing a title for a new snowmobile ~~or new all-terrain vehicle~~, the county recorder shall obtain and keep on file the certificate of origin. When issuing a title and registration for a used snowmobile ~~or all-terrain vehicle~~ for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled snowmobile ~~or all-terrain vehicle~~.

8. Once titled, a person shall not sell or transfer ownership of a snowmobile ~~or all-terrain vehicle~~ without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the purchaser or transferee. A person shall not purchase or otherwise acquire a snowmobile ~~or all-terrain vehicle~~ without obtaining a certificate of title for it in that person's name.

9. If the county recorder is not satisfied as to the ownership of the snowmobile ~~or all-terrain vehicle~~ or that there are no undisclosed security interests in the snowmobile ~~or all-terrain vehicle~~, the county recorder may issue a certificate of title for the snowmobile ~~or all-terrain vehicle~~ but, as a condition of such issuance, may require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and also executed by a person authorized to conduct a surety business in this state. The form and amount of the bond shall be established by rule of the department. The bond shall be conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the snowmobile ~~or all-terrain vehicle~~ or person acquiring any security interest in the snowmobile ~~or all-terrain vehicle~~, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the snowmobile ~~or all-terrain vehicle~~ or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the snowmobile ~~or all-terrain vehicle~~. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years or prior thereto if the snowmobile ~~or all-terrain vehicle~~ is no longer registered in this state and the certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

10. The county recorder shall transmit a copy of the certificate of title to the department, which shall be the central repository of title information for snowmobiles and all-terrain vehicles.

Sec. 39. Section 321G.30, subsection 5, Code 2003, is amended to read as follows:

5. Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special ~~conservation~~ snowmobile fund created under section 321G.7. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

Sec. 40. Section 321G.31, Code 2003, is amended to read as follows:

321G.31 TRANSFER OR REPOSSESSION OF ~~SNOWMOBILE OR ALL-TERRAIN VEHICLE~~ BY OPERATION OF LAW.

1. If ownership of a snowmobile or all-terrain vehicle is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the snowmobile or all-terrain vehicle, shall mail or deliver to the county recorder satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee.

2. If a lienholder repossesses a snowmobile or all-terrain vehicle by operation of law and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the required fee.

Sec. 41. Section 321G.32, subsection 1, unnumbered paragraph 1, Code 2003, is amended to read as follows:

A security interest created in this state in a snowmobile or all-terrain vehicle is not perfected until the security interest is noted on the certificate of title.

Sec. 42. Section 321G.32, subsection 1, paragraph b, Code 2003, is amended to read as follows:

b. The application fee for a security interest is ten dollars. Five dollars of the fee shall be credited to the special ~~conservation~~ snowmobile fund created under section 321G.7. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

Sec. 43. Section 321G.33, Code Supplement 2003, is amended to read as follows:

321G.33 VEHICLE IDENTIFICATION NUMBER.

1. The department may assign a distinguishing number to an all-terrain vehicle or a snowmobile when the serial number on the all-terrain vehicle or snowmobile is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the all-terrain vehicle or snowmobile in a position to be determined by the department. The all-terrain vehicle or snowmobile shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle or snowmobile shall have a vehicle identification number assigned and affixed as required by the department.

2. The commission shall adopt, by rule, the procedures for application and for issuance of a vehicle identification number for homebuilt all-terrain vehicles or snowmobiles.

3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate bearing it, or any vehicle identification number the department assigns to an all-terrain vehicle or a snowmobile without the department's permission.

4. A person other than a manufacturer who constructs or rebuilds an all-terrain vehicle or a snowmobile for which there is no legible vehicle identification number shall submit to the department an affidavit which describes the all-terrain vehicle or snowmobile. In cooperation with the county recorder, the department shall assign a vehicle identification number to the

all-terrain vehicle or snowmobile. The applicant shall permanently affix the vehicle identification number to the all-terrain vehicle or snowmobile in a manner that such alteration, removal, or replacement of the vehicle identification number would be obvious.

Sec. 44. NEW SECTION. 3211.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "All-terrain vehicle" means a motorized flotation-tire vehicle with not less than three low-pressure tires, but not more than six low-pressure tires, or a two-wheeled off-road motorcycle, that is limited in engine displacement to less than eight hundred cubic centimeters and in total dry weight to less than eight hundred fifty pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

Two-wheeled off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Two-wheeled off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to chapter 321. An operator of a two-wheeled off-road motorcycle is exempt from the safety instruction and certification program requirements of sections 3211.24 and 3211.25.

2. "'A" scale" means the physical scale marked "A" graduated in decibels on a sound level meter which meets the requirements of the American national standards institute, incorporated, publication S1.4-1961, general purpose sound level meters.

3. "Commission" means the natural resource commission of the department.

4. "Dealer" means a person engaged in the business of buying, selling, or exchanging all-terrain vehicles required to be registered under this chapter and who has an established place of business for that purpose in this state.

5. "Department" means the department of natural resources.

6. "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and the dealer's or manufacturer's business is primarily transacted.

7. "Manufacturer" means a person engaged in the business of constructing or assembling all-terrain vehicles required to be registered under this chapter and who has an established place of business for that purpose in this state.

8. "Nonambulatory person" means an individual with paralysis of the lower half of the body with the involvement of both legs, usually caused by disease or injury to the spinal cord, or caused by the loss of both legs or the loss of a part of both legs.

9. "Nonresident" means a person who is not a resident of this state.

10. "Operate" means to ride in or on, other than as a passenger, use, or control the operation of an all-terrain vehicle in any manner, whether or not the all-terrain vehicle is moving.

11. "Operator" means a person who operates or is in actual physical control of an all-terrain vehicle.

12. "Owner" means a person, other than a lienholder, having the property right in or title to an all-terrain vehicle. The term includes a person entitled to the use or possession of an all-terrain vehicle subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

13. "Person" means an individual, partnership, firm, corporation, association, and the state, its agencies, and political subdivisions.

14. "Public land" means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 3211.8.

15. "Railroad right-of-way" means the full width of property owned, leased, or subject to easement for railroad purposes and is not limited to those areas on which tracks are located.

16. "Resident" means a person who meets the requirements for residency described in section 321.1A.

17. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

18. "Safety certificate" means an all-terrain vehicle safety certificate, approved by the commission, issued to a qualified applicant who is twelve years of age or older.

19. "Snowmobile" means the same as defined in section 321G.1.

20. "Special event" means an organized race, exhibition, or demonstration of limited duration which is conducted on public land or ice under the jurisdiction of the commission according to a prearranged schedule and in which general public interest is manifested.

21. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular travel, except in public areas in which the boundary shall be thirty-three feet each side of the center line of the roadway.

Sec. 45. NEW SECTION. 321I.2 RULES.

The commission may adopt rules for the following purposes:

1. Registration and titling of all-terrain vehicles.
2. Use of all-terrain vehicles as far as game and fish resources or habitats are affected.
3. Use of all-terrain vehicles on public lands under the jurisdiction of the commission.
4. Use of all-terrain vehicles on any waters of the state under the jurisdiction of the commission, while the waters are frozen.
5. Establishment of a program of grants, subgrants, and contracts to be administered by the department for the development and delivery of certified courses of instruction for the safe use and operation of all-terrain vehicles by political subdivisions and incorporated private organizations.
6. Issuance of safety certificates.
7. Issuance of competition registrations and the participation of all-terrain vehicles so registered in special events.
8. Issuance of annual user permits for nonresidents and establishment of administrative fees for the issuance of the permits.

The director of transportation may adopt rules not inconsistent with this chapter regulating the use of all-terrain vehicles on streets and highways. Cities may designate streets under the jurisdiction of cities within their respective corporate limits which may be used for the sport of driving all-terrain vehicles.

In adopting the rules, consideration shall be given to the need to protect the environment and the public health, safety, and welfare; to protect private property, public parks, and other public lands; to protect wildlife and wildlife habitat; and to promote uniformity of rules relating to the use, operation, and equipment of all-terrain vehicles. The rules shall be in conformance with chapter 17A.

Sec. 46. NEW SECTION. 321I.3 REGISTRATION AND NUMBERING REQUIRED.

1. Each all-terrain vehicle used on public land or ice of this state shall be currently registered and numbered. A person shall not operate, maintain, or give permission for the operation or maintenance of an all-terrain vehicle on public land or ice unless the all-terrain vehicle is numbered in accordance with this chapter or applicable federal laws, or unless the all-terrain vehicle displays a current annual user permit for the all-terrain vehicle. If the all-terrain vehicle is required to be registered in this state, the identifying number set forth in the registration shall be displayed as prescribed by rules of the commission.

2. A registration number shall be assigned, without payment of fee, to all-terrain vehicles owned by the state of Iowa or its political subdivisions upon application for the number, and the assigned registration number shall be displayed on the all-terrain vehicle as required under section 321I.6. A registration number and certificate shall be assigned, without payment of fee, to an all-terrain vehicle which is exempt from registration but is being titled. A decal displaying an audit number shall not be issued and the registration shall not expire while the all-terrain vehicle is exempt. The application for registration shall indicate the reason for exemption from the fee. The registration certificate shall indicate the reason for exemption.

Sec. 47. NEW SECTION. 3211.4 REGISTRATION WITH COUNTY RECORDER — FEE.

The owner of each all-terrain vehicle required to be numbered shall register it annually with the county recorder of the county in which the owner resides or, if the owner is a nonresident, the owner shall register it in the county in which the all-terrain vehicle is principally used. The commission has supervisory responsibility over the registration of all-terrain vehicles and shall provide each county recorder with registration forms and certificates and shall allocate registration numbers to each county.

The owner of the all-terrain vehicle shall file an application for registration with the appropriate county recorder on forms provided by the commission. The application shall be completed and signed by the owner of the all-terrain vehicle and shall be accompanied by a fee of fifteen dollars and a writing fee. An all-terrain vehicle shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or that the owner is exempt from paying the tax. An all-terrain vehicle that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

Upon receipt of the application in approved form accompanied by the required fees, the county recorder shall enter it upon the records and shall issue to the applicant a registration certificate. The certificate shall be executed in triplicate, one copy to be delivered to the owner, one copy to the commission, and one copy to be retained on file by the county recorder. The registration certificate shall bear the number awarded to the all-terrain vehicle and the name and address of the owner. The registration certificate shall be carried either in the all-terrain vehicle or on the person of the operator of the all-terrain vehicle when in use. The operator of an all-terrain vehicle shall exhibit the registration certificate to a peace officer upon request, to a person injured in an accident involving an all-terrain vehicle, to the owner or operator of another all-terrain vehicle or the owner of personal or real property when the all-terrain vehicle is involved in a collision or accident of any nature with another all-terrain vehicle or the property of another person, or to the property owner or tenant when the all-terrain vehicle is being operated on private property without permission from the property owner or tenant.

If an all-terrain vehicle is placed in storage, the owner shall return the current registration certificate to the county recorder with an affidavit stating that the all-terrain vehicle is placed in storage and the effective date of storage. The county recorder shall notify the commission of each all-terrain vehicle placed in storage. When the owner of a stored all-terrain vehicle desires to renew the registration, the owner shall make application to the county recorder and pay the registration and writing fees without penalty. A refund of the registration fee shall not be allowed for a stored all-terrain vehicle.

Sec. 48. NEW SECTION. 3211.5 NONRESIDENT USER PERMITS.

A nonresident wishing to operate an all-terrain vehicle, other than an all-terrain vehicle owned by a resident and registered pursuant to this chapter, on public land or ice of this state shall first obtain a user permit from the department. A user permit shall be issued for the all-terrain vehicle specified at the time of application and is not transferable. A user permit shall be valid for the calendar year specified in the permit.

User permits may be issued by a county recorder or a license depositary pursuant to rules adopted by the commission. The fee for a user permit shall be fifteen dollars plus an administrative fee established by the commission. A county recorder shall retain a writing fee of one dollar from the sale of each user permit issued by the county recorder's office. The writing fees retained by the county recorder shall be deposited in the general fund of the county. A license depositary designated by the director pursuant to section 483A.11 shall retain a writing fee of one dollar from the sale of each permit issued by the agent.

Sec. 49. NEW SECTION. 3211.6 DISPLAY OF IDENTIFICATION NUMBERS.

The owner shall display the identification number on an all-terrain vehicle in the manner prescribed by rules of the commission.



Sec. 50. NEW SECTION. 3211.7 REGISTRATION — RENEWAL — TRANSFER.

1. a. Every all-terrain vehicle registration certificate and number issued expires at midnight December 31 unless sooner terminated or discontinued in accordance with this chapter. After the first day of September each year, an unregistered all-terrain vehicle may be registered or a registration may be renewed for the subsequent year beginning January 1.

b. After the first day of September an unregistered all-terrain vehicle may be registered for the remainder of the current registration year and for the subsequent registration year in one transaction. The fee shall be five dollars for the remainder of the current year, in addition to the registration fee of fifteen dollars for the subsequent year beginning January 1, and a writing fee. Registration certificates and numbers may be renewed upon application of the owner in the same manner as provided in securing the original registration. The all-terrain vehicle registration fee is in lieu of personal property tax for each year of the registration.

2. An expired all-terrain vehicle registration may be renewed for the same fee as if the owner is securing the original registration plus a penalty of five dollars and a writing fee.

3. When a person, after registering an all-terrain vehicle, moves from the address shown on the registration certificate, the person shall, within thirty days, notify the county recorder in writing of the move and the person's new address.

4. Upon the transfer of ownership of an all-terrain vehicle, the owner shall complete the form on the back of the title, if any, and registration, if any, and deliver both to the purchaser or transferee when the all-terrain vehicle is delivered. If the all-terrain vehicle is not titled, the owner shall complete the form on the back of the current registration certificate and shall deliver the certificate to the purchaser or transferee at the time of delivering the all-terrain vehicle. If the all-terrain vehicle has not been titled and has not been registered, the owner shall deliver an affidavit for an unregistered and untitled all-terrain vehicle to the purchaser or transferee. The purchaser or transferee shall, within thirty days of transfer, file a new application form with the county recorder with a fee of one dollar and the writing fee, and a transfer of number shall be awarded in the same manner as provided in an original registration. If the purchaser or transferee does not file a new application form within thirty days of transfer, the transfer of number shall be awarded upon payment of all applicable fees plus a penalty of five dollars.

All registrations must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer.

5. Duplicate registrations may be issued upon application to the county recorder and the payment of the same fees collected for the transfer of registrations.

6. A motorcycle, as defined in section 321.1, subsection 40, paragraph "a", may be registered as an all-terrain vehicle as provided in this section. A motorcycle registered as an all-terrain vehicle may participate in all programs established for all-terrain vehicles under this chapter except for the safety instruction and certification program.

Sec. 51. NEW SECTION. 3211.8 FEES REMITTED TO COMMISSION — APPROPRIATION.

Within ten days after the end of each month, a county recorder shall remit to the commission the all-terrain vehicle fees collected by the recorder during the previous month. Before January 10 of each year, a recorder shall remit to the commission unused license forms from the previous year.

The department shall remit the fees, including user fees collected pursuant to section 3211.5, to the treasurer of state, who shall place the money in a special all-terrain vehicle fund. The money is appropriated to the department for the all-terrain vehicle programs of the state. The programs shall include grants, subgrants, contracts, or cost-sharing of all-terrain vehicle programs with political subdivisions or incorporated private organizations or both in accordance with rules adopted by the commission. All-terrain vehicle fees may be used for the establishment, maintenance, and operation of all-terrain vehicle recreational riding areas through the awarding of grants administered by the department. All-terrain vehicle recreational riding areas established, maintained, or operated by the use of such grants shall not be operated for

profit. All programs using cost-sharing, grants, subgrants, or contracts shall establish and implement a safety instruction program either singly or in cooperation with other all-terrain vehicle programs. All-terrain vehicle fees may be used to support all-terrain vehicle programs on a usage basis. At least fifty percent of the special fund shall be available for political subdivisions or incorporated private organizations or both. Moneys from the special fund not used by the political subdivisions or incorporated private organizations or both shall remain in the fund and may be used by the department for the administration of the all-terrain vehicle programs. Notwithstanding section 8.33, moneys in the special fund shall not revert to the general fund of the state at the end of a fiscal year. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the special fund shall remain in the fund.

Sec. 52. NEW SECTION. 321I.9 EXEMPT VEHICLES.

Registration shall not be required for the following described all-terrain vehicles:

1. All-terrain vehicles owned and used by the United States, another state, or a political subdivision of another state.
2. All-terrain vehicles registered in a country other than the United States used within this state for not more than twenty consecutive days.
3. All-terrain vehicles covered by a valid license of another state and which have not been within this state for more than twenty consecutive days.
4. All-terrain vehicles not registered or licensed in another state or country being used in this state while engaged in a special event and not remaining in the state for a period of more than ten days.
5. All-terrain vehicles used in accordance with section 321.234A, subsection 1, paragraph "a".
6. All-terrain vehicles used exclusively as farm implements.

Sec. 53. NEW SECTION. 321I.10 OPERATION ON ROADWAYS AND HIGHWAYS — SNOWMOBILE TRAILS.

1. A person shall not operate an all-terrain vehicle upon roadways or highways except as provided in section 321.234A and this section.
2. A registered all-terrain vehicle may be operated on the roadways of that portion of county highways designated by the county board of supervisors for such use during a specified period. The county board of supervisors shall evaluate the traffic conditions on all county highways and designate roadways on which all-terrain vehicles may be operated for the specified period without unduly interfering with or constituting an undue hazard to conventional motor vehicle traffic. Signs warning of the operation of all-terrain vehicles on the roadway shall be placed and maintained on the portions of highway thus designated during the period specified for the operation.
3. All-terrain vehicles shall not be operated on snowmobile trails except where designated by the controlling authority and the primary snowmobile trail sponsor.

Sec. 54. NEW SECTION. 321I.11 ACCIDENT REPORTS.

If an all-terrain vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars or more, either the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state. If the accident occurred on public land or ice under the jurisdiction of the commission, the operator shall file with the commission a report of the accident, within seventy-two hours, containing information as the commission may require. All other accidents shall be reported as required in section 321.266.

Sec. 55. NEW SECTION. 321I.12 MUFFLERS REQUIRED — INSPECTIONS.

1. An all-terrain vehicle shall not be operated without suitable and effective muffling devices which limit engine noise to not more than eighty-six decibels as measured on the "A" scale at a distance of fifty feet.

<sup>1</sup> See chapter 1175, §371 herein

2. The commission may adopt rules with respect to the inspection of all-terrain vehicles and testing of their mufflers.

Sec. 56. NEW SECTION. 321I.13 HEADLAMP — TAIL LAMP — BRAKES.

Every all-terrain vehicle operated during the hours of darkness shall display a lighted headlamp and tail lamp. Every all-terrain vehicle shall be equipped with brakes.

Sec. 57. NEW SECTION. 321I.14 UNLAWFUL OPERATION.

1. A person shall not drive or operate an all-terrain vehicle:
  - a. At a rate of speed greater than reasonable or proper under all existing circumstances.
  - b. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
  - c. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
  - d. Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.
  - e. In any tree nursery or planting in a manner which damages or destroys growing stock.
  - f. On any public land, ice, or snow, in violation of official signs of the commission prohibiting such operation in the interest of safety for persons, property, or the environment. Any officer appointed by the commission may post an official sign in an emergency for the protection of persons, property, or the environment.
  - g. In or on any park or fish and game areas except on designated all-terrain vehicle trails.
  - h. Upon an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at an established crossing and, notwithstanding any other provisions of law, may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. This paragraph does not apply to a law enforcement officer or railroad employee in the lawful discharge of the officer's or employee's duties or to an employee of a utility with authority to enter upon the railroad right-of-way in the lawful performance of the employee's duties.
2. A person shall not operate or ride an all-terrain vehicle with a firearm in the person's possession unless it is unloaded and enclosed in a carrying case. However, a nonambulatory person may carry an uncased and unloaded firearm while operating or riding an all-terrain vehicle.
3. A person shall not operate an all-terrain vehicle with more persons on the vehicle than it was designed to carry.

Sec. 58. NEW SECTION. 321I.15 PENALTY.

A person who violates this chapter or a rule of the commission or director of transportation is guilty of a simple misdemeanor.

Chapter 232 shall have no application in the prosecution of offenses which are committed in violation of this chapter, and which constitute simple misdemeanors.

Sec. 59. NEW SECTION. 321I.16 OPERATION PENDING REGISTRATION.

The commission shall furnish all-terrain vehicle dealers with pasteboard cards bearing the words "registration applied for" and space for the date of purchase. An unregistered all-terrain vehicle sold by a dealer shall bear one of these cards which entitles the purchaser to operate it for ten days immediately following the purchase. The purchaser of a registered all-terrain vehicle may operate it for ten days immediately following the purchase, without having completed a transfer of registration. An all-terrain vehicle dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle.

Sec. 60. NEW SECTION. 321I.17 SPECIAL EVENTS.

The department may authorize the holding of organized special events as defined in this chapter within this state. The department shall adopt rules relating to the conduct of special

events held under department permits and designating the equipment and facilities necessary for safe operation of all-terrain vehicles or for the safety of operators, participants, and observers in the special events. A special event for all-terrain vehicles may include motorcycles upon payment of an entrance fee set by the organizer of the special event. The department may require that part of the motorcycle entrance fee be credited to pay costs of all-terrain vehicle programs authorized pursuant to section 321I.8. At least thirty days before the scheduled date of a special event in this state, an application shall be filed with the department for authorization to conduct the special event. The application shall set forth the date, time, and location of the proposed special event and any other information the department requires. The special event shall not be conducted without written authorization of the department. Copies of the rules shall be furnished by the department to any person making an application.

Sec. 61. NEW SECTION. 321I.18 VIOLATION OF STOP SIGNAL.

A person, after having received a visual or audible signal from a peace officer to come to a stop, shall not operate an all-terrain vehicle in willful or wanton disregard of the signal or interfere with or endanger the officer or any other person or vehicle, or increase speed or attempt to flee or elude the officer.

Sec. 62. NEW SECTION. 321I.19 NEGLIGENCE.

The owner and operator of an all-terrain vehicle are liable for any injury or damage occasioned by the negligent operation of the all-terrain vehicle. The owner of an all-terrain vehicle shall be liable for any such injury or damage only if the owner was the operator of the all-terrain vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the all-terrain vehicle at the time the injury or damage occurred.

Sec. 63. NEW SECTION. 321I.20 RENTED ALL-TERRAIN VEHICLES.

1. The owner of a rented all-terrain vehicle shall keep a record of the name and address of each person renting the all-terrain vehicle, its registration number, the departure date and time, and the expected time of return. The records shall be preserved for six months.

2. The owner of an all-terrain vehicle operated for hire shall not permit the use or operation of a rented all-terrain vehicle unless it has been provided with all equipment required by this chapter or rules of the commission or the director of transportation, properly installed and in good working order.

Sec. 64. NEW SECTION. 321I.21 MINORS UNDER TWELVE.

A person under twelve years of age shall not operate an all-terrain vehicle on public lands unless the person is taking a prescribed safety training course under the direct supervision of a certified all-terrain vehicle safety instructor and a parent or guardian.

Sec. 65. NEW SECTION. 321I.22 MANUFACTURER, DISTRIBUTOR, OR DEALER — SPECIAL REGISTRATION.

1. A manufacturer, distributor, or dealer owning an all-terrain vehicle required to be registered under this chapter may operate the all-terrain vehicle for purposes of transporting, testing, demonstrating, or selling it without the all-terrain vehicle being registered, except that a special identification number issued to the owner as provided in this chapter shall be displayed on the all-terrain vehicle. The special identification number shall not be used on an all-terrain vehicle offered for hire or for any work or service performed by a manufacturer, distributor, or dealer.

2. Any manufacturer, distributor, or dealer may, upon payment of a fee of fifteen dollars, make application to the commission, upon forms prescribed by the commission, for a special registration certificate containing a general identification number and for one or more duplicate special registration certificates. The applicant shall submit reasonable proof of the applicant's status as a bona fide manufacturer, distributor, or dealer as may be required by the commission.

3. The commission, upon granting an application, shall issue to the applicant a special registration certificate containing the applicant's name and address, the general identification number assigned to the applicant, the word "manufacturer", "dealer", or "distributor", and other information the commission prescribes. The manufacturer, distributor, or dealer shall have the assigned number printed upon or attached to a removable sign or signs which may be temporarily but firmly mounted or attached to the all-terrain vehicle being used. The display shall meet the requirements of this chapter and the rules of the commission.

4. The commission shall also issue duplicate special registration certificates which shall have displayed thereon the general identification number assigned to the applicant. Each duplicate registration certificate so issued shall contain a number or symbol identifying it from every other duplicate special registration certificate bearing the same general identification number. The fee for each additional duplicate special registration certificate shall be two dollars.

5. Each special registration certificate issued hereunder shall expire on December 31 of each year, and a new special registration certificate for the ensuing twelve months may be obtained upon application to the commission and payment of the fee provided by law.

6. Every manufacturer, distributor, or dealer shall keep a written record of the all-terrain vehicles upon which special registration certificates are used, which record shall be open to inspection by any law enforcement officer or any officer or employee of the commission.

7. If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall secure a separate and distinct special registration certificate and general identification number for each place of business.

8. Dealers using special certificates under this chapter shall, before January 10 of each year, furnish the commission with a list of all used all-terrain vehicles held by them for sale or trade, and upon which the registration fee for the current year has not been paid, giving the previous registration number, name of previous owner at the time the all-terrain vehicle was transferred to the dealer, and other information the commission requires.

9. If the purchaser or transferee of an all-terrain vehicle is a dealer who holds the same for resale and operates the all-terrain vehicle only for purposes incidental to a resale and displays the special dealer's certificate, or does not operate the all-terrain vehicle or permit it to be operated, the transferee is not required to obtain a new registration certificate but upon transferring title or interest to another person shall sign the reverse side of the title, if any, and the registration certificate of the all-terrain vehicle indicating the name and address of the new purchaser. A dealer shall make application and pay all registration and title fees if applicable on behalf of the purchaser of an all-terrain vehicle. The recorder shall award a transfer of the registration number. If the registration has expired while in the dealer's possession, the purchaser may renew the registration for the same fee and writing fee as if the purchaser is securing the original registration.

10. When a dealer purchases or otherwise acquires an all-terrain vehicle registered in this state, the dealer shall issue a signed receipt to the previous owner, indicating the date of purchase or acquisition, the name and address of the previous owner, and the registration number of the all-terrain vehicle purchased or acquired. The original receipt shall be delivered to the previous owner and one copy shall be mailed or delivered by the dealer to the county recorder of the county in which the all-terrain vehicle is registered, and one copy shall be delivered to the commission within forty-eight hours.

11. Nothing in this section shall prohibit a dealer from obtaining a new registration and transfer of registration in the same manner as other purchasers.

Sec. 66. NEW SECTION. 3211.23 LIMITATION OF LIABILITY BY PUBLIC BODIES AND ADJOINING OWNERS.

The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees owe no duty of care to keep the public lands, ditches, or land contiguous to a highway or roadway under the control of the state or a political subdivision safe for entry or use by persons operating an

all-terrain vehicle, or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for such purposes, except in the case of willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for actions taken to allow or facilitate the use of public lands, ditches, or land contiguous to a highway or roadway except in the case of a willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

This section does not create a duty of care or ground of liability on behalf of the state, its political subdivisions, or the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees for injury to persons or property in the operation of all-terrain vehicles in a ditch or on land contiguous to a highway or roadway under the control of the state or a political subdivision. The state, its political subdivisions, and the owners or tenants of property adjoining public lands or the right-of-way of a public highway and their agents and employees are not liable for the operation of an all-terrain vehicle in violation of this chapter.

Sec. 67. NEW SECTION. 321I.23A RECREATIONAL RIDING AREA — LIMITATION OF LIABILITY OF PRIOR LANDOWNERS.

Prior owners of land on which an all-terrain vehicle recreational riding area is established, maintained, or operated owe no duty of care to keep the land safe for entry or use by persons operating an all-terrain vehicle or to give any warning of a dangerous condition, use, structure, or activity on such premises that would make the land unsafe for all-terrain vehicle usage.

Sec. 68. NEW SECTION. 321I.24 COURSE OF INSTRUCTION.

1. The commission shall provide, by rules adopted pursuant to section 321I.2, for the establishment of certified courses of instruction to be conducted throughout the state for the safe use and operation of all-terrain vehicles. The curriculum shall include instruction in the lawful and safe use, operation, and equipping of all-terrain vehicles consistent with this chapter and rules adopted by the commission and the director of transportation and other matters the commission deems pertinent for a qualified all-terrain vehicle operator.

2. The commission may certify any experienced, qualified operator to be an instructor of a class established under subsection 1. Each instructor shall be at least eighteen years of age.

3. Upon completion of the course of instruction, the commission shall provide for the administration of a written test to any student who wishes to qualify for a safety certificate.

4. The commission shall provide safety material relating to the operation of all-terrain vehicles for the use of nonpublic or public elementary and secondary schools in this state.

Sec. 69. NEW SECTION. 321I.25 SAFETY CERTIFICATE — FEE.

1. A person under eighteen years of age shall not operate an all-terrain vehicle on public land or ice or land purchased with all-terrain vehicle registration funds in this state without obtaining a valid safety certificate issued by the department and having the certificate in the person's possession.

2. Upon application and payment of a fee of five dollars, a qualified applicant shall be issued a safety certificate which is valid until the certificate is suspended or revoked for a violation of a provision of this chapter or a rule of the commission or the director of transportation. The application shall be made on forms issued by the commission and shall contain information as the commission may reasonably require.

3. Any person who is required to have a safety certificate under this chapter and who has completed a course of instruction established under section 321I.2, subsection 5, including the successful passage of an examination which includes a written test relating to such course of instruction, shall be considered qualified to apply for a safety certificate. The commission may waive the requirement of completing such course of instruction if such person successfully passes a written test based on such course of instruction.

4. The permit fees collected under this section shall be credited to the special all-terrain vehicle fund and shall be used for safety and educational programs.

5. A valid all-terrain vehicle safety certificate or license issued to a nonresident by a governmental authority of another state shall be considered a valid certificate or license in this state if the permit or license requirements of the governmental authority, excluding fees, are substantially the same as the requirements of this chapter as determined by the commission.

Sec. 70. NEW SECTION. 321I.26 STOPPING AND INSPECTING — WARNINGS.

A peace officer may stop and inspect an all-terrain vehicle operated, parked, or stored on public streets, highways, public lands, or frozen waters of the state to determine if the all-terrain vehicle is registered, numbered, or equipped as required by this chapter and commission rules. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the all-terrain vehicle is not in compliance, the officer may issue a warning memorandum to the operator and forward a copy to the commission. The warning memorandum shall indicate the items found not in compliance and shall direct the owner or operator of the all-terrain vehicle to have the all-terrain vehicle in compliance and return a copy of the warning memorandum with the proof of compliance to the commission within fourteen days. If the proof of compliance is not provided within fourteen days, the owner or operator is in violation of this chapter.

Sec. 71. NEW SECTION. 321I.27 TERMINATION OF USE.

A person who receives a warning memorandum for an all-terrain vehicle shall stop using the all-terrain vehicle as soon as possible and shall not operate it on public streets, highways, public lands, or frozen waters of the state until the all-terrain vehicle is in compliance.

Sec. 72. NEW SECTION. 321I.28 WRITING FEES.

The county recorder shall collect a writing fee of one dollar and twenty-five cents for an all-terrain vehicle registration.

Sec. 73. NEW SECTION. 321I.29 CONSISTENT LOCAL LAWS — SPECIAL LOCAL RULES.

1. This chapter and other applicable laws of this state shall govern the operation, equipment, numbering, and all other matters relating to an all-terrain vehicle when the all-terrain vehicle is operated or maintained in this state. However, this chapter does not prevent the adoption of an ordinance or local law relating to the operation or equipment of all-terrain vehicles. The ordinances or local laws are operative only so long as they are not inconsistent with this chapter or the rules adopted by the commission.

2. A subdivision of this state, after public notice by publication in a newspaper having a general circulation in the subdivision, may make formal application to the commission for special rules concerning the operation of all-terrain vehicles within the territorial limits of the subdivision and shall provide the commission with the reasons the special rules are necessary.

3. The commission, upon application by local authorities and in conformity with this chapter, may make special rules concerning the operation of all-terrain vehicles within the territorial limits of a subdivision of this state.

Sec. 74. NEW SECTION. 321I.30 OWNER'S CERTIFICATE OF TITLE — IN GENERAL.

1. The owner of an all-terrain vehicle acquired on or after January 1, 2000, other than an all-terrain vehicle used exclusively as a farm implement or a motorcycle previously issued a title pursuant to chapter 321, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the all-terrain vehicle. The owner of an all-terrain vehicle used exclusively as a farm implement may obtain a certificate of title. A person who owns an all-terrain vehicle that is not required to have a certificate of title may apply for and receive a certificate of title for the all-terrain vehicle and, subsequently, the all-terrain vehicle shall be

subject to the requirements of this chapter as if the all-terrain vehicle were required to be titled. All all-terrain vehicles that are titled shall be registered.

2. A certificate of title shall contain the information and shall be issued on a form the department prescribes.

3. An owner of an all-terrain vehicle shall apply to the county recorder for issuance of a certificate of title within thirty days after acquisition. The application shall be on forms the department prescribes and accompanied by the required fee. The application shall be signed and sworn to before a notary public or other person who administers oaths, or shall include a certification signed in writing containing substantially the representation that statements made are true and correct to the best of the applicant's knowledge, information, and belief, under penalty of perjury. The application shall contain the date of sale and gross price of the all-terrain vehicle or the fair market value if no sale immediately preceded the transfer and any additional information the department requires. If the application is made for an all-terrain vehicle last previously registered or titled in another state or foreign country, the application shall contain this information and any other information the department requires.

4. If a dealer buys or acquires an all-terrain vehicle for resale, the dealer shall report the acquisition to the county recorder on forms provided by the department and may apply for and obtain a certificate of title as provided in this chapter. If a dealer buys or acquires a used all-terrain vehicle, the dealer may apply for a certificate of title in the dealer's name within thirty days. If a dealer buys or acquires a new all-terrain vehicle for resale, the dealer may apply for a certificate of title in the dealer's name.

5. A manufacturer or dealer shall not transfer ownership of a new all-terrain vehicle without supplying the transferee with the manufacturer's or importer's certificate of origin signed by the manufacturer's or importer's authorized agent. The certificate shall contain information the department requires. The department may adopt rules providing for the issuance of a certificate of origin for an all-terrain vehicle by the department upon good cause shown by the owner.

6. A dealer transferring ownership of an all-terrain vehicle under this chapter shall assign the title to the new owner, or in the case of a new all-terrain vehicle, assign the certificate of origin. Within fifteen days the dealer shall forward all moneys and applications to the county recorder.

7. The county recorder shall maintain a record of any certificate of title which the county recorder issues and shall keep each certificate of title on record until the certificate of title has been inactive for five years. When issuing a title for a new all-terrain vehicle, the county recorder shall obtain and keep on file the certificate of origin. When issuing a title and registration for a used all-terrain vehicle for which there is no title or registration, the county recorder shall obtain and keep on file the affidavit for the unregistered and untitled all-terrain vehicle.

8. Once titled, a person shall not sell or transfer ownership of an all-terrain vehicle without delivering to the purchaser or transferee a certificate of title with an assignment on it showing title in the purchaser or transferee. A person shall not purchase or otherwise acquire an all-terrain vehicle without obtaining a certificate of title for it in that person's name.

9. If the county recorder is not satisfied as to the ownership of the all-terrain vehicle or that there are no undisclosed security interests in the all-terrain vehicle, the county recorder may issue a certificate of title for the all-terrain vehicle but, as a condition of such issuance, may require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, and also executed by a person authorized to conduct a surety business in this state. The form and amount of the bond shall be established by rule of the department. The bond shall be conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the all-terrain vehicle or person acquiring any security interest in the all-terrain vehicle, and their respective successors in interest, against any expense, loss, or damage, including reasonable attorney fees, by reason of the issuance of the certificate of title of the all-terrain vehicle or on account of any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the all-terrain vehicle. Any such interested person has a right of action to recover on the bond for any breach of its



conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond shall be returned at the end of three years or prior thereto if the all-terrain vehicle is no longer registered in this state and the certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

10. The county recorder shall transmit a copy of the certificate of title to the department, which shall be the central repository of title information for all-terrain vehicles.

11. A motorcycle that has been issued a certificate of title pursuant to this section may be issued a title pursuant to chapter 321 upon proper application and surrender of the existing title. Upon issuance of a title pursuant to chapter 321, the certificate of title previously issued pursuant to this section shall be returned to the issuing county recorder.

Sec. 75. NEW SECTION. 321I.31 FEES — DUPLICATES.

1. The county recorder shall charge a ten dollar fee to issue a certificate of title, a transfer of title, a duplicate, or a corrected certificate of title.

2. If a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the first lienholder or, if there is none, the owner named in the certificate, as shown by the county recorder's records, shall within thirty days obtain a duplicate by applying to the county recorder. The applicant shall furnish information the department requires concerning the original certificate and the circumstances of its loss, mutilation, or destruction. Mutilated or illegible certificates shall be returned to the department with the application for a duplicate.

3. The duplicate certificate of title shall be marked plainly "duplicate" across its face and mailed or delivered to the applicant.

4. If a lost or stolen original certificate of title for which a duplicate has been issued is recovered, the original shall be surrendered promptly to the department for cancellation.

5. Five dollars of the certificate of title fees collected under this section shall be remitted by the county recorder to the treasurer of state for deposit in the special all-terrain vehicle fund created under section 321I.8. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

Sec. 76. NEW SECTION. 321I.32 TRANSFER OR REPOSSESSION BY OPERATION OF LAW.

1. If ownership of an all-terrain vehicle is transferred by operation of law, such as by inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within thirty days after acquiring the right to possession of the all-terrain vehicle, shall mail or deliver to the county recorder satisfactory proof of ownership as the county recorder requires, together with an application for a new certificate of title, and the required fee.

2. If a lienholder repossesses an all-terrain vehicle by operation of law and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the required fee.

Sec. 77. NEW SECTION. 321I.33 SECURITY INTEREST — PERFECTION AND TITLES — FEE.

1. A security interest created in this state in an all-terrain vehicle is not perfected until the security interest is noted on the certificate of title.

a. To perfect the security interest, an application for security interest must be presented along with the original title. The county recorder shall note the security interest on the face of the title and on the copy in the recorder's office.

b. The application fee for a security interest is ten dollars. Five dollars of the fee shall be credited to the special all-terrain vehicle fund created under section 321I.8. The remaining five dollars shall be retained by the county and deposited into the general fund of the county.

2. The certificate of title shall be presented to the county recorder when the application for security interest or for assignment of the security interest is presented and a new or endorsed certificate of title shall be issued to the secured party with the name and address of the secured party upon it.

3. The secured party shall present the certificate of title to the county recorder when a release statement is filed and a new or endorsed certificate shall be issued to the owner.

Sec. 78. NEW SECTION. 321I.34 VEHICLE IDENTIFICATION NUMBER.

1. The department may assign a distinguishing number to an all-terrain vehicle when the serial number on the all-terrain vehicle is destroyed or obliterated and issue to the owner a special plate bearing the distinguishing number which shall be affixed to the all-terrain vehicle in a position to be determined by the department. The all-terrain vehicle shall be registered and titled under the distinguishing number in lieu of the former serial number. Every all-terrain vehicle shall have a vehicle identification number assigned and affixed as required by the department.

2. The commission shall adopt, by rule, the procedures for application and for issuance of a vehicle identification number for homebuilt all-terrain vehicles.

3. A person shall not destroy, remove, alter, cover, or deface the manufacturer's vehicle identification number, the plate bearing it, or any vehicle identification number the department assigns to an all-terrain vehicle without the department's permission.

4. A person other than a manufacturer who constructs or rebuilds an all-terrain vehicle for which there is no legible vehicle identification number shall submit to the department an affidavit which describes the all-terrain vehicle. In cooperation with the county recorder, the department shall assign a vehicle identification number to the all-terrain vehicle. The applicant shall permanently affix the vehicle identification number to the all-terrain vehicle in a manner that such alteration, removal, or replacement of the vehicle identification number would be obvious.

Sec. 79. Section 232.8, subsection 1, paragraph b, Code 2003, is amended to read as follows:

b. Violations by a child of provisions of chapter 321, 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or 484B, which would be simple misdemeanors if committed by an adult, and violations by a child of county or municipal curfew or traffic ordinances, are excluded from the jurisdiction of the juvenile court and shall be prosecuted as simple misdemeanors as provided by law. A child convicted of a violation excluded from the jurisdiction of the juvenile court under this paragraph shall be sentenced pursuant to section 805.8, where applicable, and pursuant to section 903.1, subsection 3, for all other violations.

Sec. 80. Section 321.1, subsection 32, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

"Implement of husbandry" means a vehicle or special mobile equipment manufactured, designed, or reconstructed for agricultural purposes and, except for incidental uses, exclusively used in the conduct of agricultural operations. "Implements of husbandry" includes all-terrain vehicles operated in compliance with section 321.234A, subsection 1, paragraph "a", fence-line feeders, and vehicles used exclusively for the application of organic or inorganic plant food materials, organic agricultural limestone, or agricultural chemicals. To be considered an implement of husbandry, a self-propelled implement of husbandry must be operated at speeds of thirty-five miles per hour or less. "Reconstructed" as used in this subsection means materially altered from the original construction by the removal, addition, or substitution of essential parts, new or used.

Sec. 81. Section 321.234A, Code 2003, is amended to read as follows:

321.234A ALL-TERRAIN VEHICLES — HIGHWAY USE.

1. All-terrain vehicles shall not be operated on a highway only unless one or more of the following conditions apply:

a. The operation is between sunrise and sunset and only when the operation on the highway is incidental to the vehicle's use for agricultural purposes.

b. The operation is incidental to the vehicle's use for the purpose of surveying by a licensed engineer or land surveyor.

c. The all-terrain vehicle is operated by an employee or agent of a political subdivision or public utility for the purpose of construction or maintenance on or adjacent to the highway.

d. The all-terrain vehicle is operated by an employee or agent of a public agency as defined in section 34.1 for the purpose of providing emergency services or rescue.

2. A person operating an all-terrain vehicle on a highway shall have a valid driver's license and the vehicle shall be operated at speeds of thirty-five miles per hour or less.

3. An all-terrain vehicle that is owned by the owner of land adjacent to a highway, other than an interstate road, may be operated by the owner of the all-terrain vehicle, or by a member of the owner's family, on the portion of the highway right-of-way that is between the shoulder of the roadway, or at least five feet from the edge of the roadway, and the owner's property line.

2. 4. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, paragraph "f".

Sec. 82. Section 322D.1, subsection 1, Code Supplement 2003, is amended to read as follows:

1. "All-terrain vehicle" means the same as defined in section ~~321G.1~~ 321I.1.

Sec. 83. Section 322F.1, subsection 2, Code Supplement 2003, is amended to read as follows:

2. "All-terrain vehicle" means the same as defined in section ~~321G.1~~ 321I.1.

Sec. 84. Section 331.362, subsection 9, Code Supplement 2003, is amended to read as follows:

9. A county may regulate traffic on and use of the secondary roads, in accordance with sections 321.236 to 321.250, 321.254, 321.255, 321.285, subsection 5, sections 321.352, 321.471 to 321.473, and other applicable provisions of chapter 321, and sections 321G.9, 321I.10, and 327G.15.

Sec. 85. Section 331.427, subsection 1, unnumbered paragraph 1, Code Supplement 2003, is amended to read as follows:

Except as otherwise provided by state law, county revenues from taxes and other sources for general county services shall be credited to the general fund of the county, including revenues received under sections 9I.11, 101A.3, 101A.7, 123.36, 123.143, 142B.6, 176A.8, 321.105, 321.152, 321G.7, 321I.8, section 331.554, subsection 6, sections 341A.20, 364.3, 368.21, 422A.2, 428A.8, 430A.3, 433.15, 434.19, 445.57, 453A.35, 458A.21, 483A.12, 533.24, 556B.1, 583.6, 602.8108, 904.908, and 906.17, and the following:

Sec. 86. Section 331.602, subsection 16, Code Supplement 2003, is amended to read as follows:

16. Issue snowmobile registrations and all-terrain vehicle registrations and user permits as provided in sections 321G.4, 321G.6, ~~and~~ 321G.21, 321I.4, 321I.5, 321I.7, and 321I.22.

Sec. 87. Section 331.605, Code 2003, is amended by adding the following new subsection: NEW SUBSECTION. 4A. For the issuance of all-terrain vehicle registrations and user permits, the fees specified in sections 321I.4 and 321I.5.

Sec. 88. Section 350.5, Code 2003, is amended to read as follows:  
350.5 REGULATIONS — PENALTY — OFFICERS.

The county conservation board may make, alter, amend or repeal regulations for the protection, regulation, and control of all museums, parks, preserves, parkways, playgrounds, recreation centers, and other property under its control. The regulations shall not be contrary to, or inconsistent with, the laws of this state. The regulations shall not take effect until ten days after their adoption by the board and after their publication as provided in section 331.305 and after a copy of the regulations has been posted near each gate or principal entrance to the public ground to which they apply. After the publication and posting, a person violating a

provision of the regulations which are then in effect is guilty of a simple misdemeanor. The board may designate the director and those employees as the director may designate as police officers who shall have all the powers conferred by law on police officers, peace officers, or sheriffs in the enforcement of the laws of this state and the apprehension of violators upon all property under its control within and without the county. The board may grant the director and those employees of the board designated as police officers the authority to enforce the provisions of chapters 321G, 321I, 461A, 462A, 481A, and 483A on land not under the control of the board within the county.

Sec. 89. Section 455A.4, subsection 1, paragraph b, Code Supplement 2003, is amended to read as follows:

b. Provide overall supervision, direction, and coordination of functions to be administered by the administrators under chapters 321G, 321I, 455B, 455C, 456, 456A, 456B, 457A, 458A, 459, subchapters I, II, III, IV, and VI, chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B, 483A, 484A, and 484B.

Sec. 90. Section 455A.5, subsection 6, paragraphs a, b, and d, Code 2003, are amended to read as follows:

a. Establish policy and adopt rules, pursuant to chapter 17A, necessary to provide for the effective administration of chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A, 465C, 481A, 481B, 483A, 484A, or 484B.

b. Hear appeals in contested cases pursuant to chapter 17A on matters relating to actions taken by the director under chapter 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A, 465C, 481A, 481B, 483A, 484A, or 484B.

d. Approve the budget request prepared by the director for the programs authorized by chapters 321G, 321I, 456A, 456B, 457A, 461A, 462A, 462B, 464A, 481A, 481B, 483A, 484A, and 484B. The commission may increase, decrease, or strike any item within the department budget request for the specified programs before granting approval.

Sec. 91. Section 456A.14, Code 2003, is amended to read as follows:

456A.14 TEMPORARY APPOINTMENTS — PEACE OFFICER STATUS.

The director may appoint temporary officers for a period not to exceed six months and may adopt minimum physical, educational, mental, and moral requirements for the temporary officers. Chapter 80B does not apply to the temporary officers. Temporary officers have all the powers of peace officers in the enforcement of this chapter and chapters 321G, 321I, 456B, 461A, 461B, 462A, 462B, 463B, 465C, 481A, 481B, 482, 483A, 484A, and 484B, and the trespass laws.

Sec. 92. Section 456A.24, subsection 12, Code 2003, is amended to read as follows:

12. Adopt rules authorizing officers and employees of the department who are peace officers to issue warning citations for violations of this chapter and chapters 321G, 321I, 350, 456B, 457A, 461A through 461C, 462A, 462B, 463B, 464A, 465A through 465C, 481A, 481B, 482, 483A, 484A, and 484B.

Sec. 93. Section 805.8B, subsection 2, Code 2003, is amended to read as follows:

2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

a. For registration or user permit violations under ~~section~~ sections 321G.3 and 321I.3, the scheduled fine is twenty dollars. When the scheduled fine is paid, the violator shall submit sufficient proof that a valid registration or user permit has been obtained.

b. For operating violations under section 321G.9, subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and 321G.13, subsection 1, paragraph "d", sections 321I.10, 321I.12, and 321I.14, subsection 1, paragraph "d", the scheduled fine is twenty dollars.

c. For improper or defective equipment under ~~section~~ sections 321G.12 and 321I.13, the scheduled fine is ~~ten~~ twenty dollars.

d. For violations of ~~section~~ sections 321G.19 and 321I.20, the scheduled fine is ~~fifteen~~ twenty dollars.

e. For identification violations under ~~section~~ sections 321G.5 and 321I.6, the scheduled fine is ~~ten~~ twenty dollars.

Sec. 94. Section 805.16, subsection 1, Code 2003, is amended to read as follows:

1. Except as provided in subsection 2 of this section, a peace officer shall issue a police citation or uniform citation and complaint, in lieu of making a warrantless arrest, to a person under eighteen years of age accused of committing a simple misdemeanor under chapter 321, 321G, 321I, 461A, 461B, 462A, 481A, 481B, 483A, 484A, 484B, or a local ordinance not subject to the jurisdiction of the juvenile court, and shall not detain or confine the person in a facility regulated under chapter 356 or 356A.

Sec. 95. Section 903.1, subsection 3, Code 2003, is amended to read as follows:

3. A person under eighteen years of age convicted of a simple misdemeanor under chapter 321, 321G, 321I, 453A, 461A, 461B, 462A, 481A, 481B, 483A, 484A, or 484B, or a violation of a county or municipal curfew or traffic ordinance, except for an offense subject to section 805.8, may be required to pay a fine, not to exceed one hundred dollars, as fixed by the court, or may be required to perform community service as ordered by the court.

Sec. 96. Section 321G.22A, Code Supplement 2003, is repealed.

Sec. 97. **APPLICABILITY — NEW REGISTRATIONS AND RENEWALS.** The annual registration fees required for snowmobiles and all-terrain vehicles pursuant to this Act apply to new registrations and renewals effective for years beginning on or after January 1, 2005.

Approved May 6, 2004

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## CHAPTER 1133

### SALES AND USE TAX ON GAS, ELECTRICITY, AND FUEL — EXEMPTION FOR RESIDENTIAL CUSTOMERS

*S.F. 2026*

**AN ACT** relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 423.3, as enacted by 2003 Iowa Acts, First Extraordinary Session, chapter 2, section 96, is amended by adding the following new subsection:

**NEW SUBSECTION.** 84. a. Subject to paragraph “b”, the sales price from the sale or furnishing of metered gas, electricity, and fuel, including propane and heating oil, to residential customers which is used to provide energy for residential dwellings and units of apartment and condominium complexes used for human occupancy.

b. The exemption in this subsection shall be phased in by means of a reduction in the tax rate as follows:

(1) If the date of the utility billing or meter reading cycle of the residential customer for the